

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PCT LEGAL ADMINISTRATION
ATTENTION: ERIN M. PENDER

In re Application of:

Yahya HAGHIRI et al.

PCT/DO/EO/US

Serial No.: 09/926,010

Filing Date: 14 August 2001

Attorney Docket: HAGH3001/JEK

For: PORTABLE DATA SUPPORT WITH A DETACHABLE MINI CHIP CARD

NEW SUBMISSION UNDER 37 C.F.R. § 1.42 AND
REQUEST FOR RECONSIDERATION

Commissioner for Patents
Washington, D.C. 20231

Sir:

Reconsideration of the denial of a request for status under 37 C.F.R. §1.42 filed March 27, 2002 in the above identified patent application is respectfully requested.

BACKGROUND

A petition for status under 37 C.F.R. § 1.42 on behalf of a deceased co-inventor named in this application was filed on March 6, 2002. The late inventor, Mr. Yahya Haghiri, was deceased at the time of filing the application and the declaration was executed by his heirs including Touba Haghiri-Tehrani, who also executed the declaration for the deceased inventor.

The request was denied in view of the fact that the address and citizenship of Touba Haghiri-Tehrani was unclear from the declaration document, and further because the information regarding address and citizenship of the deceased inventor was unclear.

The request was also denied in view of the fact that a statement had not been provided by the attorney of record confirming that the listed heirs of the deceased

inventor executing the declaration were the "sole heirs" or "all of the heirs" of the deceased inventor.

NEW SUBMISSION

Reconsideration of the request for status under 37 C.F.R. § 1.42 is respectfully requested in view of the submission herewith of a new declaration executed on behalf of the deceased inventor Yahya Haghiri by his heir Touba Haghiri-Tehrani clearly providing information concerning the citizenship and address of the deceased inventor as well as Touba Haghiri-Tehrani herself, who executed the declaration on her own behalf and on behalf of her son, Sina Haghiri-Tehrani, a minor heir of Yahya Haghiri.

It is respectfully submitted that the informalities noted in the declaration previously submitted in this application have now been corrected. Withdrawal of the denial of status under Rule 42 because of informalities in the declaration is respectfully requested.

STATEMENT REGARDING HEIRS OF YAHYA HAGHIRI

The undersigned attorney of record hereby states that the heirs of Yahya Haghiri, the deceased inventor named in this application, and listed in the declarations thus far filed in this application, constitute **all of the heirs** of Yahya Haghiri.

In supplement to the foregoing statement, a Joint Will Document issued by the District Court of Munich March 19, 2001 is submitted herewith as Appendix A, including an English language translation thereof (unsworn). This document identifies Touba Haghiri Tehrani, Szahra Haghiri Tehrani, Sina Haghiri Tehrani and Mana Haghiri Tehrani as heirs of Yahya Haghiri Tehrani (Yahya Haghiri).

Under German law a legal representative of the deceased's estate is not required to be appointed.

International Application No. PCT/EP00/01272
Attorney Docket: HAGH3001/JEK

Withdrawal of the objection to the request of status under Rule 42 based on the lack of identification of the listed heirs as "all of the heirs" of Yahya Haghiri is respectfully requested.

CONCLUSION

It is respectfully submitted that all requirements have now been met to establish status in this application under 37 C.F.R. § 1.42 by the heirs of the deceased inventor, Yahya Haghiri.

Any fees that may be required in connection with this matter may be charged to Deposit Account No. 02-0200.

Respectfully submitted,
BACON & THOMAS, PLLC

J. ERNEST KENNEY
Attorney for Applicant
Registration No. 19,179



Customer 23364

BACON & THOMAS, PLLC
625 Slaters Lane - 4th Floor
Alexandria, VA 22314-1176
Telephone: (703) 683-0500
Facsimile: (703) 683-1080

Date: October 21, 2002

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HA8713001
09/926,010**DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled: **PORTABLE DATA SUPPORT WITH A DETACHABLE MINI CHIP CARD** the specification of which (check one):

is attached hereto, or was filed on: **16 February 2000**

as U.S. Application Number or PCT

International Application Number: **(PCT/EP00/01272) 09/926,010**

and (if applicable) was amended on:

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in *Title 37, Code of Federal Regulations, §1.56*. I hereby claim foreign priority benefits under *Title 35, United States Code §119* of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

| PRIOR FOREIGN APPLICATION(S) | | | PRIORITY CLAIMED | |
|------------------------------|---------|----------------------|------------------|----|
| Number | Country | Day/Month/Year Filed | Yes | No |
| 199 06 569.1 | Germany | 17 February 1999 | X | |
| | | | | |

Additional Priority Application(s) Listed on Following Page(s)

| I HEREBY CLAIM THE BENEFIT UNDER TITLE 35 U.S. CODE §119(E) OF ANY U.S. PROVISIONAL APPLICATIONS LISTED BELOW. | |
|--|----------------------|
| Application Number | Day/Month/Year Filed |
| | |
| | |

Additional Provisional Application(s) Listed on Following Page(s)

I hereby claim the benefit under *Title 35, United States Code, §120* of any United States application(s) or PCT international application(s) designating The United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of *Title 35, United States Code, §112*, I acknowledge the duty to disclose information which is material to patentability as defined in *Title 37, Code of Federal Regulations, §1.56* which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| Application Number | Filing Date | Status - Patented, Pending or Abandoned |
|--------------------|-------------|---|
| | | |
| | | |

Additional US/PCT Priority Application(s) listed on Following Page(s)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under *section 1001 of title 18 of the United States Code* and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I (We) hereby appoint as my (our) attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: J. Ernest Kenney, Reg. No. 19,179; Eugene Mar, Reg. No. 25,893; Richard E. Fichter, Reg. No. 26,382; Thomas J. Moore, Reg. No. 28,974; Joseph DeBenedictis, Reg. No. 28,502; Benjamin E. Urcia, Reg. No. 33,805; and

I (we) authorize my(our) attorneys to accept and follow instructions from Klunker Schmitt-Nilson Hirsch regarding any matter related to the preparation, examination, grant and maintenance of this application, any continuation, continuation-in-part or divisional based thereon, and any patent resulting therefrom, until I (we) or my(our) assigns withdraw this authorization in writing.

Send correspondence to:



Customer 23364

BACON & THOMAS, PLLC

625 Slaters Lane - 4th Floor
Alexandria, VA 22314-1176Telephone Calls to: **J. Ernest Kenney**
(703) 683-0500

| | |
|--|---|
| FULL NAME OF FIRST OR SOLE INVENTOR Yahya HAGHIRI (Deceased) | CITIZENSHIP Germany |
| RESIDENCE ADDRESS Winzererstrasse 98, D-80797 Munchen, Germany | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE | SIGNATURE *see following pages |

See following page(s) for additional joint inventors.

CONTINUATION OF DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY

Page 2

| PRIOR FOREIGN APPLICATION(S) (35 USC §119) | | | PRIORITY CLAIMED | |
|--|---------|----------------------|------------------|----|
| Number | Country | Day/Month/Year Filed | Yes | No |
| | | | | |
| | | | | |

| PRIOR PROVISIONAL APPLICATIONS 35 U.S. CODE §119(E) | |
|---|----------------------|
| Application Number | Day/Month/Year Filed |
| | |
| | |

| PRIOR U.S. OR PCT INTERNATIONAL APPLICATIONS (35 U.S. CODE §120) | | |
|--|-------------|---|
| Application Number | Filing Date | Status - Patented, Pending or Abandoned |
| | | |
| | | |

| | |
|---|---|
| FULL NAME OF JOINT INVENTOR Renee-Lucia BARAK | CITIZENSHIP Germany |
| RESIDENCE ADDRESS Saulenstrasse 2, D-82008 Unterhaching, Germany | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE | SIGNATURE |

| | |
|-----------------------------|---|
| FULL NAME OF JOINT INVENTOR | CITIZENSHIP |
| RESIDENCE ADDRESS | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE | SIGNATURE |

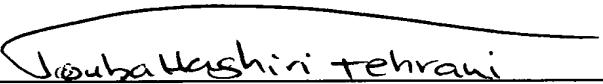
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|-----------------------------|---|
| FULL NAME OF JOINT INVENTOR | CITIZENSHIP |
| RESIDENCE ADDRESS | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE | SIGNATURE |

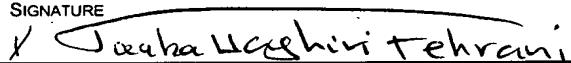
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|-----------------------------|---|
| FULL NAME OF JOINT INVENTOR | CITIZENSHIP |
| RESIDENCE ADDRESS | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE | SIGNATURE |

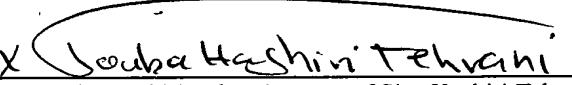
See following pages for additional joint inventors/priority applications.

CONTINUATION OF DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY

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|--|--|
| FULL NAME OF JOINT INVENTOR Yahya HAGHIRI (Deceased) | CITIZENSHIP Iran |
| RESIDENCE ADDRESS München, Germany | POST OFFICE ADDRESS Winzererstrasse 98, D-80797 München, Germany |
| DATE <u>20.09.2002</u> | SIGNATURE  Touba HAGHIRI-TEHRANI , citizen of Iran, as heir of Yahya HAGHIRI |

| | |
|---|---|
| FULL NAME OF JOINT INVENTOR Touba HAGHIRI-TEHRANI , heir of Yahya HAGHIRI-TEHRANI | CITIZENSHIP Iran |
| RESIDENCE ADDRESS München, Germany | POST OFFICE ADDRESS Winzererstrasse 98, D-80797 München, Germany |
| DATE <u>20.09.2002</u> | SIGNATURE  Touba Haghiri-Tehrani |

| | |
|--|---|
| FULL NAME OF JOINT INVENTOR Sina HAGHIRI-TEHRANI , who is a minor and heir of Yahya HAGHIRI | CITIZENSHIP Iran |
| RESIDENCE ADDRESS München, Germany | POST OFFICE ADDRESS Winzererstrasse 98, D-80797 München, Germany |
| DATE <u>20.09.2002</u> | SIGNATURE  By Touba Haghiri-Tehrani, parent of Sina Haghiri-Tehrani, a minor and heir of Yahya Haghiri |



Geschäfts-Nr.: 69 VI 11352/00

München, 19.03.2001

Gemeinschaftlicher Erbschein

beschränkt auf den inländischen Nachlaß in Anwendung iranischen Rechts

Yahya Haghiri Tehrani

geboren am 15.07.1946

gestorben am 01.08.2000

zuletzt wohnhaft Winzererstr. 98, München

ist beerbt worden hinsichtlich des beweglichen Vermögens von:

1. Touba Haghiri Tehrani, geb. Mahdavy,
geb. 07.06.1947, Winzererstr. 98, 80797 München
zu 4/32 - vier Zweiunddreißigstel -
2. Sina Haghiri Tehrani, geb. 07.04.1987,
Winzererstr. 98, 80797 München
zu 14/32 - vierzehn Zweiunddreißigstel -
3. Szahra Haghiri Tehrani,
geb. 17.02.1978, Winzererstr. 98, 80797 München
zu 7/32 - sieben Zweiunddreißigstel -
- 4.. Mana Haghiri Tehrani,
geb. 24.11.1980, Winzererstr. 98, 80797 München
zu 7/32 - sieben Zweiunddreißigstel -

ist beerbt worden hinsichtlich des unbeweglichen Vermögens von

1. Sina Haghiri Tehrani, geb. 07.04.1987,
Winzererstr. 98, 80797 München
zu 1/2 - ein Halb -
2. Szahra Haghiri Tehrani,
geb. 17.02.1978, Winzererstr. 98, 80797 München
zu 1/4 - einem Viertel -
3. Mana Haghiri Tehrani,
geb. 24.11.1980, Winzererstr. 98, 80797 München
zu 1/4 - einem Viertel -

Unverhau-Hassold
Richterin am Amtsgericht

Die Übereinstimmung der Ausfertigung
mit der Urschrift wird bestätigt.

München, 19.03.2001
Der Urkundsbeamte der Geschäftsstelle
des Amtsgerichts:

Erber
Erber
Justizangestellte

